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MAILED

MAY 11 2009

OFFICE OF PETITIONS

In re Patent No. 7,025,265
Issue Date: April 11, 2006
Application No. 10/711,355
Filed: September 13, 2004
Attorney Docket No. 60154.301803

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.183 filed February 23, 2009, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The petition under 37 CFR 1.183 is **DISMISSED**.

The petition under 37 CFR 3.81(b) to correct the assignee's name is **GRANTED**.

The request is **GRANTED**.

Petitioner states that the correct assignee's name is "None" and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

37 CFR 3.81(b), effective June 25, 2004, reads:


After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect that there is no assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

The petition fee of \$400.00 under CFR 1.17(f) submitted with the petition on February 23, 2009 will be will be refunded and a petition fee of \$130.00 under CFR 1.17(i) will be charged to the petitioners deposit account.

Inquiries concerning this decision should be directed to the Michelle R. Eason at (571) 272-4231. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.


Thurman Page
Petitions Examiner
Office of Petitions